IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY SECOND DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE RAMESH RANGANATHAN

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WRIT PETITION NO : 13392 of 2005

Between:

1. Kola Satya Shankar Rao, s/o late Seshagiri Rao,
r/o Rameswaram, Indrapalem Post-533 006, Pedapudi Mandal,

East Godavari District.
2. Kola Govindamma, w/o late Seshagiri Rao,
r/o Rameswaram, Indrapalem Post-533 006, Pedapudi Mandal,

East Godavari District.
3. Chekkapalli Shekhar Babu, s/o Venkata Ramana,
r/o Rameswaram, Indrapalem Post-533 006, Pedapudi Mandal,

East Godavari District.
4. Yatam Durga Visweswari, w/o Nookaraju,
r/o Rameswaram, Indrapalem Post-533 006, Pedapudi Mandal,

East Godavari District.
5. Tiragati Venkata Manga Tayaru, w/o Venkateswara Rao,
r/o Rameswaram, Indrapalem Post-533 006, Pedapudi Mandal,

East Godavari District.

..... PETITIONERS

AND

1. Assistant Commissioner, Endowments Department, Rajahmundry,

E.G.District.
2. Sarvamangala Sametha Sri Ramalingeswara Swamyvari

Devasthanam, Rameswaram, Pedapudi Mandal,

East Godavari District, rep., by its Manager.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue a writ, order or direction, especially one in the nature of writ of mandamus, declaring the action of the respondents in conducting auction without issuing notice by strictly following the procedure laid down by the A.P.Charitable and Hindu Religious Institutions and Endowments Lease of Agricultural Land Rules, 2003 as illegal, arbitrary and capricious and consequently to direct the respondents to follow the procedure contemplated under Rules 5(2) and 6 of the A.P.Charitable and Hindu Religious Institutions and Endowments Lease of Agricultural Land Rules, 2003.

Counsel for the Petitioner: M/S E.V.V.S. RAVI KUMAR & GODA RAMA

Counsel for the Respondent No.1: GP FOR ENDOWMENTS

Counsel for the Respondent No.2: SMT.N.INDRANI

The Court, at the stage of admission, made the following:

ORDER:

Heard the learned counsel for the petitioners, learned Government Pleader appearing for the first respondent and Smt.N.Indrani, learned counsel appearing for the second respondent and with their consent, this writ petition is disposed of at the admission stage.

The grievance of the petitioners in this writ petition is that a notice was issued to them in Form-I on 21-03-2005 by the second respondent, whereby they were informed that in case they were genuine landless poor persons (small farmer) as defined under explanation to the amended Section 82 of Act 30 of 1987, they could make a representation with all available evidence to the Assistant Commissioner, Endowments, Rajahmundry within a period of seven days, and that after receipt of their representation, they would examine the issue and if they were held to be landless poor persons (small farmer), then appropriate order would be issued in accordance with law.

It is the case of the petitioners herein that they filed such a representation on 26-03-2005 with the first respondent and despite such a representation being filed, the first respondent has not taken a decision in the matter. It is the grievance of the petitioners in the writ petition that the second respondent is likely to conduct an auction at any time for the lands, which are under their

possession and that they would suffer irreparable hardship if such an auction is conducted as it would entail their being summarily evicted from the said lands.

Smt. N.Indrani, appearing for the second respondent submits, on instructions, that the auction is proposed to be held on 25-06-2005 in respect of the lands under cultivation by the petitioners herein.

Having regard to the facts and circumstances of the case, the first respondent is directed to consider the representation of the petitioners dated 26-03-2005 and pass appropriate orders thereon within a period of two months from the date of receipt of a copy of this order after complying with procedural requirements under the A.P.Charitable and Hindu Religious Institutions and Endowments Act, 1987 and the Rules made thereunder. Pending final orders being passed by the first respondent, while the auction proposed to be held on 25-06-2005 may go on, the same shall not be finalized.

With the above directions, the writ petition is disposed of at the stage of admission.

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Lrkm. 22-06-2005.

To

1. Assistant Commissioner, Endowments Department, Rajahmundry,

E.G.District.
2. The Government Pleader for Endowments, High Court Buildings, High

Court of A.P., Hyderabad (O.U.T).

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